



**DVCC Immigration Subcommittee**  
**December 6, 2018**  
**10:30 AM**  
**Delaware State Police Museum, Dover**

**Minutes**

- I. Introductions: In attendance were: Laura Graham (CLASI), Carolyn Becker (WPD), Nancy Carranza (People's Place), Adrienne Owen (DSP), Maite Aros (CHILD Inc.), Meghan F. MacLeish (DOJ), Sarah Moore (La Colectivia of Delaware), Jennifer Castaneda (FCCSP), Emily Houde (CLASI), Adriana Ochoa (LACC), Kate Sell (CLASI), Yvonne Dodd (La Red), Sabdi Vazquez (CLASI), Mayra Reyes (Georgetown PD), Cindy Garcia (CLASI), Pedro Torres (NCCPD), Gloria Smith (AVS-DCJ) Kelly Head (CLASI, via teleconference) and Sue Ryan (DCADV, via teleconference).
- DVCC Staff: Aimee String
- II. Review of meeting minutes from 9/10/18
- a. Minutes were approved.
- III. Old Business:
- a. DACA: No new update. DACA is still in a holding pattern.
- b. Notice to Appear (NTA) Policy
- i. On June 28<sup>th</sup> DHS announced that they have updated their policy manual regarding the issuance of Notices to Appear (NTAs), which serve as the complaint to commence removal proceedings against a client. Applies to U-VISA, T-VISA, VAWA (even with no criminal contact).
- ii. In the past USCIS has indicated that if a stand-alone VAWA Self-Petition, I-929 U visa relative, U visa, or T visa was denied by the VAWA Unit, absent certain circumstances (petitioner has serious criminal history, is a national security threat, etc.) the VAWA unit would not issue an NTA and refer the client to removal proceedings, citing the VAWA confidentiality provisions. So there was very little risk of applying for this relief even if your petition was denied.
- iii. The new policy indicates that the VAWA unit now has the ability, and is encouraged, to issue NTAs to individuals who have a criminal history and/or are unlawfully present, after their petition is denied.
- iv. Then on July 30<sup>th</sup> DHS announced that the implementation of this policy is postponed for further agency review. <https://www.uscis.gov/news/alerts/updated-guidance-implementation-notice-appear-policy-memorandum>
- v. It's important to refer clients to an immigration attorney to help the client weigh the benefits and risks. Ultimately it is the client's choice to determine whether or not to file but they should be aware of the risks.
1. CLASI does have immigration attorneys who are skilled in this work.

c. Public Charge Policy

- i. Still not officially announced. Survivors can still get these benefits.
- ii. VAWA, T-VISA and U-VISA are statutorily exempt but many people are unaware of that.
- iii. The Comment period closes on Monday, December 10<sup>th</sup>. It's important that there is both agency and individual comment. There is a link on CLASI's Facebook page that tells you how to comment. Laura will draft talking points and we will send to the committee.

IV. New Business

1. Federal Updates

a. USCIS VAWA Unit – Fee Waiver Denials

- i. New policy to be less lenient on application/petition fee waiver requests in victim-based cases (U/T/VAWA). Fees can be upwards of \$1300 per person. In the past approximately 99% of the fee waivers were granted. Now most application for being denied or they are for proof documenting income. This can be difficult for those that are being paid under the table.
- ii. There has been national discussion about filing a class action law suit against the federal government.
- iii. It's been 2.5 years since a price increase. It could go up at any time. A payment plan is not an option.
- iv. Tips for providers to support survivors
  1. Helping survivors connect with financial resources, should they be required to pay the filing fees. If your agency has donated funds, there may be a need.
  2. Document the services you provide to survivors, whether those services are income-based, and if so, how you determined that survivor qualifies based on her income.

2. Legal Fees for U-VISA

- a. CLASI provides service for free for those who qualify but a private attorney can charge upwards of \$500 for the initial appointment and upwards of \$5,000 for the entire process.

3. State Updates

a. Family Court

- i. Effective August 15, 2018, the Family Court implemented a change in procedure for emergency ex parte PFAs petitions that are filed with the Court after 4:00 p.m. Any petition clocked in after 4:00 p.m. will not have a same day ex parte hearing. Petitioners will still be able to file their petitions until 4:30 when the court closes, and receive assistance in doing so, but they will be instructed to come back to Family Court the following day for a hearing.
  1. PFA petition clocked in by 4:00 - Petitioner will have ex parte hearing with a commissioner that same day. So essentially no change other than moving the clock-in deadline back by 30 minutes.
  2. PFA petition clocked in after 4:00 - Petitioner can choose to stay and complete and file the petition between 4-4:30, or they can take it with them to complete and file the following day, so they can have an advocate help them complete it, or don't feel rushed in completing the petition. Petitioners who choose to leave and return the next day for filing will be given a resource list with police, hotline, and other important numbers. If petitioner chooses to file the petition before 4:30, then the court staff will accept the petition, and give the Petitioner a notice asking them

to come back the following morning between x and y time listed on the notice for the ex parte hearing. Petitioner will be added to the assigned commissioner's calendar for an ex parte hearing the next day. If petitioner indicates s/he cannot come during that time frame the following day, then court staff will try to be flexible and work with the petitioner to find a time when they can return. If by 4pm the following day the Petitioner does not come in for their ex parte hearing, then the commissioner assigned to the calendar that day will provide court staff with direction on following up with the petitioner.

- ii. Committee members stated that the courts are strict about the new policies and advocates should advise applicants to get to the court by 1:00 to complete the process in time.
- iii. Also, the court has now produced in English, Spanish and Creole the PFA Petition and instructions located here: <https://courts.delaware.gov/family/pfa/index.aspx> . There are some great infographics that walk individuals through the process.
- iv. Also on the website are the new videos (in English, Spanish and Creole) created as part of the improvement project, explaining to Petitioners and Respondents the PFA process and what to expect.

V. Agency Reports

- a. Wilmington PD: They have filled the DV Specialist Position with Melissa Pleasanton and there is now an opening for a general Victim Services Advocate.
- b. DCADV: They are hiring a Training & Prevention Specialist and Communication and Fundraising Manager. DCADV and CLASI trained attorneys at the end of October. The training covered admitting social media evidence in court and ethical issues. A video will be available.
- c. DSP: The Bilingual Advocate position will be reposted. Thank you to the other police departments who have helped serve victims while the position has been vacant.
- d. Sarah Moore of La Colectiva of Delaware introduced herself to the group. La Colectiva is a Sussex County Program made up of 40 different groups/agencies. They are doing research within the immigrant population. The first part of their research includes qualitative research and the second part will be testing ideas and solutions. There are four focus areas: Family literacy, navigating the system, GED certification/ESL and after school programming.

VI. 2019 Meeting dates: TBD. The committee has outgrown the current meeting location. We will look into the possibility of holding future meetings at CLASI in Dover.